

RESOLUTION NO. 3450

ROAD LEGALIZATION ORDER: BEAR CREEK ROAD

Findings

- A. On May 7, 2025, City Council initiated proceedings under ORS 223.935 to 223.950 to legalize Bear Creek Road between Craven Road and the eastern Urban Growth Boundary.
- B. A portion of the roadway as traveled and used for 10 years or more does not conform to the location of the road described in identified legal records.
- C. A notice of the City Council Public Hearing was mailed to owners of abutting land on June 5, 2025.
- D. A surveyor's report, including a survey of the road section, was filed with the City Council.
- E. The City Council held a duly-noticed public hearing on August 6, 2025, to consider the surveyor's report and survey and to decide whether the legalization is in the public interest.
- F. The City followed all required procedures for the road legalization under ORS 223.935 to 223.950.
- G. Legalization of the road is in the public interest because the road as traveled has been in existence for more than 10 years.
- H. No abutting property owner filed a request for compensation for encroaching structures before the end of the public hearing. The surveyor did not identify any structures in the proposed, legalized area that would be due compensation for removal from the adjusted right-of-way, pursuant to ORS 223.945.

Based on these findings, the City Council of the City of Bend resolves as follows:

- 1. The City Council accepts the surveyor's report and survey attached as Exhibits A and B. Bear Creek Road, between Craven Road and the eastern Urban Growth Boundary, is hereby legalized as shown in the attached exhibits.
- 2. Staff shall take all measures necessary to complete the legalization of the road, including filing the survey map and narrative with the County Surveyor and causing the centerline and right-of-way to be monumented by a registered professional land surveyor.
- 3. This order takes effect immediately upon adoption.

Adopted by a motion of the Bend City Council on August 6, 2025.

YES: Kebler, Franzosa, Méndez, Platt, Riley

NO:



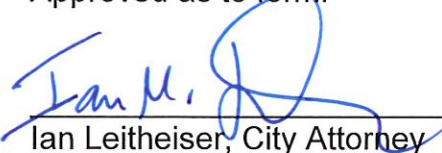
Melanie Kebler, Mayor

Attest:

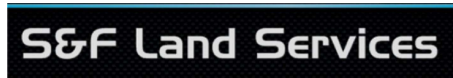


Ashley Bontje, City Recorder

Approved as to form:



Ian Leitheiser, City Attorney



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PROJECT NO.: 2301710

DATE: 4/14/2025

INITIALS: BRR

To: City of Bend City Council

From: Brad R. Rhoades, PLS

Date: 4/14/2025

RE: THE LEGALIZATION OF A PORTION OF BEAR CREEK ROAD (W.R. WILKINSON ROAD)

This report is respectfully submitted requesting that you initiate an action to legalize a City Road, pursuant to ORS 223.935(3).

Bear Creek Road was identified in the City's community-driven Transportation System Plan (TSP), as key walking and bicycling routes within the project's limits. For TSP identified key routes, the City intends to establish a network of low stress biking and walking facilities (level of traffic stress 1 or 2). The TSP and the Transportation Safety Action Plan (TSAP) identified a need for a single lane roundabout at the intersection of Bear Creek Road, Pettigrew Road, and Purcell Boulevard to minimize the crash rate and crash severity at the intersection. The TSP was adopted by Bend City Council and selected projects from the TSP were included in the Transportation General Obligation (GO) Bond passed by Bend voters in November 2020.

On July 24, 2023 HDR Engineering, Inc. entered into an agreement ("Prime Agreement") to provide professional services to City of Bend, Oregon in connection with Bear Creek Road and 27th Street ("Project"). On October 3, 2023 S&F Land Services entered into a Subconsultant Agreement with HDR Engineering, Inc. to provide land surveying services under the Prime Agreement.

Part of S&F Land Service's responsibilities was to provide right-of-way resolution for the various sections of the project. While resolving the right-of-way for Bear Creek Road it was discovered that there were eight (8) properties within the project area that have clear title to strips of land within the existing as-traveled right of way that have never been formally dedicated for road purposes, thus the need for this proposed legalization.

Bear Creek Road (W.R. Wilkinson Road) was established by Crook County Commissioners Journal 4, Page 189 in 1908. The established width was 60 feet, being 30 feet on each side of centerline. No formal map of the established location was found in the records other than the proposed location as surveyed by W.R. McFarland, Crook County Surveyor, and described in the Surveyor's Report dated September 1907. Said proposed location was retraced and utilized as the best evidence for the location of the originally established road. The originally established location overlaps in a meandering fashion over portions of the present day as traveled location of Bear Creek Road.

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The resolved as traveled centerline was established by analyzing record surveys and found monuments for which those who share a sideline with have come to rely upon over the years, along with orthographic imagery, collected by S&F Land Services, both of which are in a high level of agreement. Said resolved centerline is represented in County Survey 21247 (CS21247) filed January 23, 2024 at the Deschutes County Surveyor's Office.

The above mentioned eight (8) properties that have clear title to strips of land within the existing as-traveled right of way are as follows:

Tax Lot 181203BA00508 –

The current owner is Gregory Mark Carpenter and Abigail Marie Carpenter as conveyed on July 26, 2022 in Instrument No. 2022-28929. The lands conveyed in said instrument extend fully to the North Section line of Section 3, Township 18 South, Range 12 East, W.M. Tax Map records show Road Legalization Order, recorded May 27, 2011 in Instrument No. 2011-19423, extending the full frontage of said lands but the filed survey instigated by said Road Legalization Order (CS18097) ends the fixed alignment for legalization at Station 19+13.89 which is well to the West of the property. Subsequently, Dedication Deed, recorded July 12, 2012 in Instrument No. 2012-026873, dedicated a 10 foot strip, being an offset south from the easterly projection of the Bear Creek Centerline as shown and discussed in CS18342. This leaves a variable width strip of undedicated land between said Dedication Deed and said North Section line.

Tax Lot 181203BA00100 –

The current owner is Naomi Juanez Stone Revocable Living Trust as conveyed on February 5, 2013 in Instrument No. 2013-05326. The lands conveyed in said instrument call to the South right-of-way of Bear Creek road being at a point 25.0 feet south of the North Quarter Corner of Section 3, Township 18 South, Range 12 East, W.M. The resolved as traveled centerline, per said CS21247, along the frontage of this property is along and closely follows the North line of said Section 3. Given the prescribed half width of 30 feet per the original establishment, this leaves an approximately 5 foot wide strip of undedicated land.

Tax Lot 181203AB01500 –

The current owner is Pilot Butte Airport Association as conveyed on October 28, 2002 in Instrument No. 2002-59660. The land conveyed in said instrument is Lot 12, Block 4, M.W. Acre Tracts, recorded August 18, 1918, in Cabinet A, Page 27, Deschutes County Records. Said Lot 12 was originally platted to the North Section Line of Section 3, Township 18 South, Range 12 East, W.M. The resolved as traveled centerline, per said CS21247 is contiguous with said North Line of Section 3 leaving the North 30 feet of said Lot 12 undedicated per the prescribed establishment width.

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Tax Lot 181202BB01300 –

The current owner is Elizabeth A. Douville as conveyed on March 5, 1987 in Book 142, Page 2120. The land conveyed in said Book and Page is Lot 1, Block 2, Skyview Terrace recorded November 8, 1963, in Cabinet A, Page 111, Deschutes County Records. Said Lot 1 was originally platted to the North Section Line of Section 2, Township 18 South, Range 12 East, W.M. The resolved as traveled centerline, per said CS21247 was derived from depicted courses for Bear Creek Road on said Skyview Terrace plat. While said Skyview Terrace depicts Bear Creek Road, it is clear that the lots were platted to said section line, leaving a variable width strip of undedicated land between said North Section Line and the South as traveled right-of-way line of Bear Creek Road as resolved in CS21247. A portion of said strip is overlapped by a segment of the originally established retraced road, this portion of said strip is not included in the legalization.

Tax Lot 181202BB01400 –

The current owner is Thomas E. Stuntz and Jill Stuntz as conveyed on December 29, 2004 in Instrument No. 2004-78051. The land conveyed in sad Instrument is Lot 2, Block 2, Skyview Terrace recorded November 8, 1963, in Cabinet A, Page 111, Deschutes County Records. Said Lot 2 was originally platted to the North Section Line of Section 2, Township 18 South, Range 12 East, W.M. The resolved as traveled centerline, per said CS21247 was derived from depicted courses for Bear Creek Road on said Skyview Terrace plat. While said Skyview Terrace depicts Bear Creek Road, it is clear that the lots were platted to said section line, leaving a variable width strip of undedicated land between said North Section Line and the South as traveled right-of-way line of Bear Creek Road as resolved in CS21247. A portion of said strip is overlapped by a segment of the originally established retraced road, this portion of said strip is not included in the legalization.

Tax Lot 181202BB01500 –

The current owner is George L. Hermann Living Trust Dated 9/27/96 as conveyed on July 3, 2009 in Instrument No. 2009-28982. The land conveyed in sad Instrument is Lot 3, Block 2, Skyview Terrace recorded November 8, 1963, in Cabinet A, Page 111, Deschutes County Records. Said Lot 3 was originally platted to the North Section Line of Section 2, Township 18 South, Range 12 East, W.M. The resolved as traveled centerline, per said CS21247 was derived from depicted courses for Bear Creek Road on said Skyview Terrace plat. While said Skyview Terrace depicts Bear Creek Road, it is clear that the lots were platted to said section line, leaving a variable width strip of undedicated land between said North Section Line and the South as traveled right-of-way line of Bear Creek Road as resolved in CS21247.

Tax Lot 1812020000303 –

The current owners are Craig A. Christiansen and Christy L. Christiansen, as Co-Trustees of the Craig A. Christiansen Revocable Trust U/T/A dated September 19, 2001 as to an undivided on-half interest and Christy L. Christiansen and Craig A. Christiansen, as Co-Trustees of the Christy L. Christiansen Revocable Trust U/T/A dated September 19, 2001 as to an undivided one-half interest as conveyed on May 11, 2018 in Instrument No. 2018-18970. The lands conveyed in said

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Instrument has two points of contact with Bear Creek Road, one at the West end of the property and one at the east end of the property. For that portion at the West end of the property, the deed language conveys to the South right-of-way of Bear Creek Road. The bearings and distances utilized in said deed appear to have been derived from CS03476 and CS03491. Monuments were recovered from said survey's to verify the location of Bear Creek Road as described in the deed, which places an approximately 9.5 foot wide strip of undedicated land in the as traveled right-of-way of present day Bear Creek Road as resolved in CS21247.

For that portion at the East end of the property the deed describes the land by aliquot parts, being the NE1/4 of the NW1/4 of Section 2, Township 18 South, Range 12 East, W.M., lying and being Easterly of Lateral "A" of the Central Oregon Irrigation District. There is no language addressing or excepting Bear Creek Road. This leaves a variable width strip of undedicated land between the North Section Line of said Section 2 and the South as traveled right-of-way line for Bear Creek Road as resolved in CS21247.

Tax Lot 1812020000301 –

The current owners are Leland C. Landers (Deceased) and Shirley J. Landers, Trustees, or a Successor Trustee, of the Leland and Shirley Landers Trust, dated May 24, 1994 as conveyed on August 17, 1994 in Instrument No. 94-32385. The lands described in said instrument are derived from Minor Land Partition, MP-79-157, dated September 28, 1979 and filed as CS03454 at the Deschutes County Surveyor's Office. Said lands are depicted as Parcel #2 on said Minor Land Partition. Both the deed description and Minor Land Partition call and show the north boundary to be along the south boundary of Bear Creek Road. Monuments were recovered from said survey to verify the location of Bear Creek Road as described in the deed and as shown on the Minor Land Partition. This places a variable width strip of undedicated land in the as traveled right-of-way of present day Bear Creek Road as resolved in CS21247.

ORS 223.945 –

It has been determined during the field surveying process that there are no existing structures on the eight (8) properties within the subject area which would be affected by the proposed legalization process.

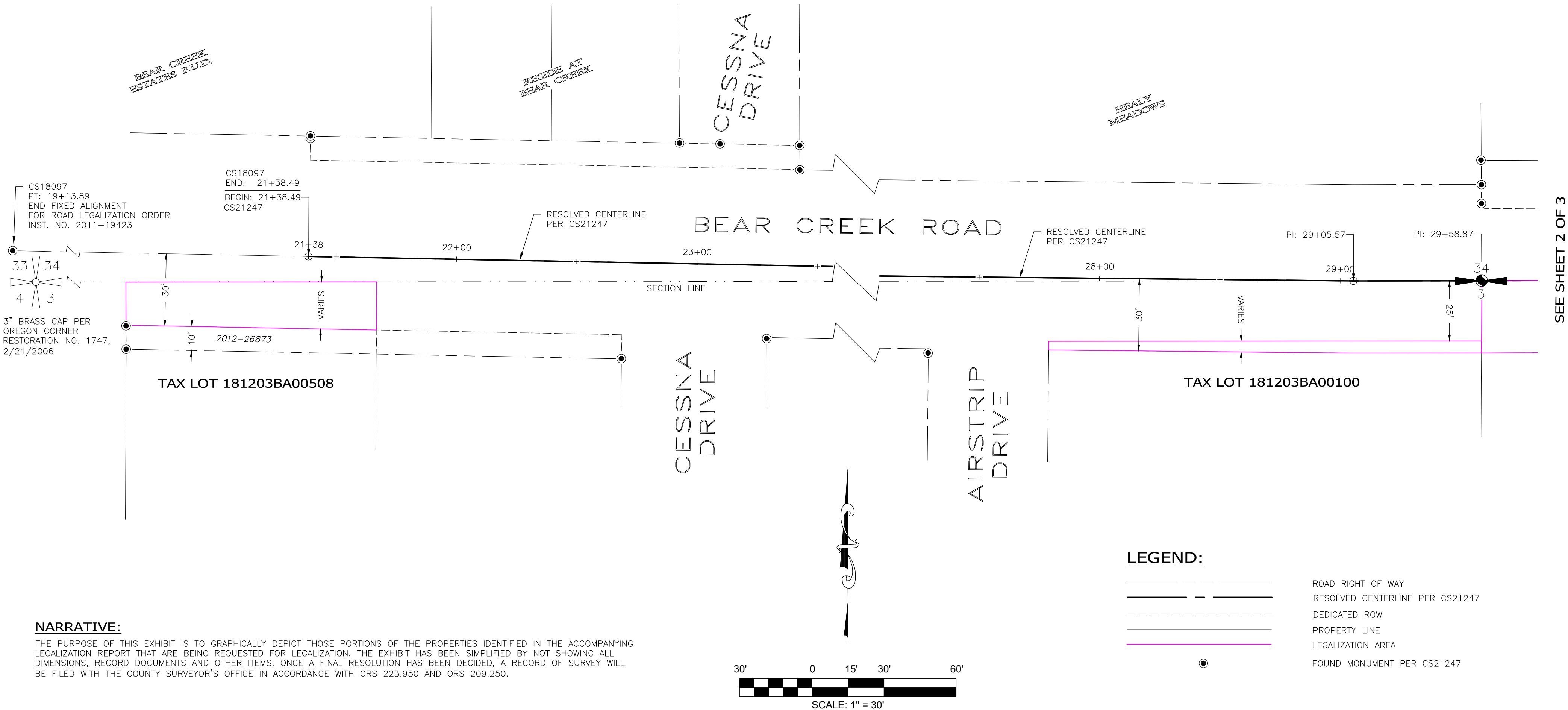


RENEWALS: 12/31/2026

BEAR CREEK ROAD LEGALIZATION EXHIBIT

FOR PORTIONS OF BEAR CREEK ROAD
LOCATED IN THE NW 1/4 AND NE 1/4 OF SECTION 3 AND THE NW 1/4 OF SECTION 2,
TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.
CITY OF BEND, DESCHUTES COUNTY, OREGON

APRIL, 2025



SEE SHEET 2 OF 3

SHEET 1 OF 3

S&F Land Services

Land Surveying & Remote Sensing

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EMAIL: INFO@SFLANDS.COM

DATE	JOB NO.	FIELD	DRAWN	CHECKED
APR. 14, 2025	2023-017-10		BRR	BRR

SURVEY FOR:

CITY OF BEND
BEAR CREEK PROJECT

LOCATED IN THE NW1/4 & NE1/4 OF SEC. 3
AND THE NW1/4 OF SEC. 2,
T. 18S., R 12E., W.M.

CITY OF BEND, DESCHUTES COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

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OREGON

MAY 11, 2021

BRAD R. RHOADES

91917PLS

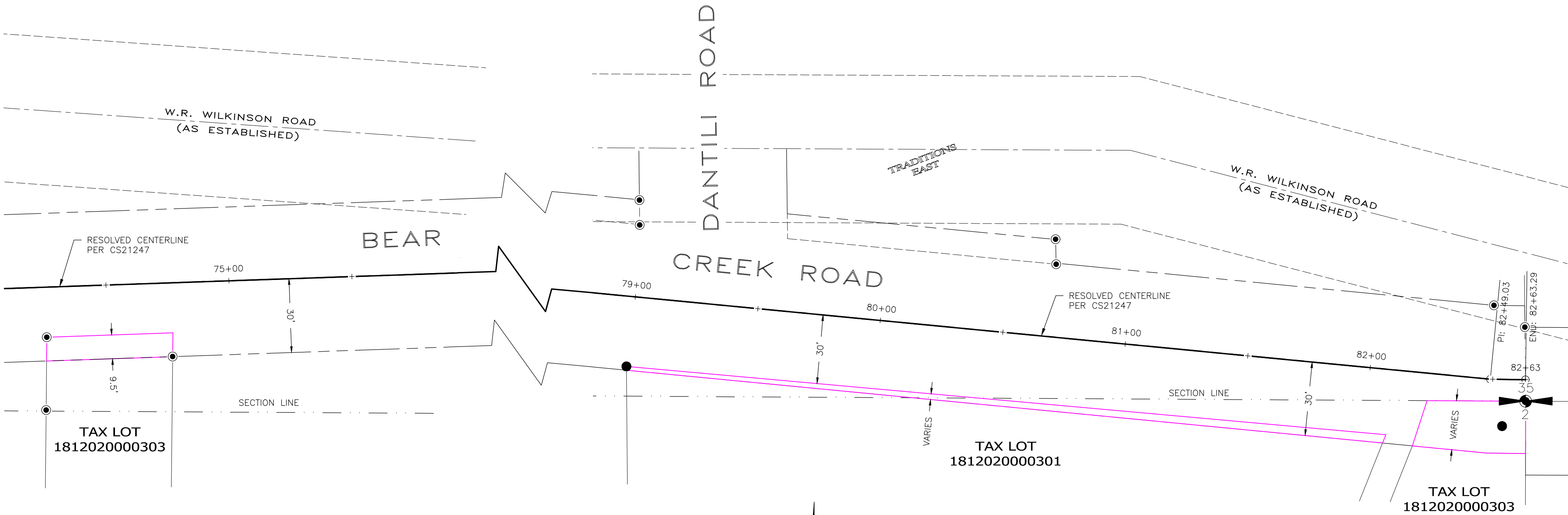
RENEWS: 12/31/2026

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BEAR CREEK ROAD LEGALIZATION EXHIBIT

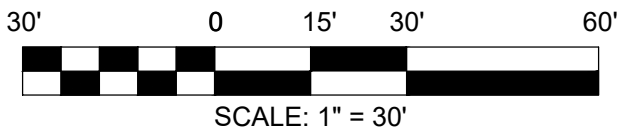
FOR PORTIONS OF BEAR CREEK ROAD
LOCATED IN THE NW 1/4 AND NE 1/4 OF SECTION 3 AND THE NW 1/4 OF SECTION 2,
TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M.
CITY OF BEND, DESCHUTES COUNTY, OREGON

APRIL, 2025



LEGEND:

	ROAD RIGHT OF WAY
	RESOLVED CENTERLINE PER CS21247
	DEDICATED ROW
	PROPERTY LINE
	LEGALIZATION AREA
	FOUND MONUMENT PER CS21247



SHEET 3 OF 3

S&F Land Services

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DATE	JOB NO.	FIELD	DRAWN	CHECKED
APR. 14, 2025	2023-017-10		BRR	BRR

SURVEY FOR:

CITY OF BEND
BEAR CREEK PROJECT

LOCATED IN THE NW1/4 & NE1/4 OF SEC. 3
AND THE NW1/4 OF SEC. 2,
T. 18S., R 12E., W.M.

CITY OF BEND, DESCHUTES COUNTY, OREGON

REGISTERED
PROFESSIONAL
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DIGITALLY SIGNED

MAY 11, 2021
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RENEWALS: 12/31/2026